UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,823	06/28/2001	Todd M. VanDenAvond	56729USA4A.002	5306

			EXAMINER
32692	7590	10/12/2006	SHERR, CRISTINA O

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ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/893,823	VANDENAVOND ET AL.
	Examiner	Art Unit	
	Cristina Owen Sherr	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 July 2006</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>24-30 and 48-56</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>24-30 and 48-56</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>07/19/06</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.　　This communication is in response to applicant's amendment filed July 19, 2006.

Claims 24, 48, 51, and 54 have been amended.　Claims 24-30 and 48-56 are currently

pending in this case.

Information Disclosure Statement

2.　　The information disclosure statement (IDS) submitted on July 19, 2006 is in

compliance with the provisions of 37 CFR 1.97.　Accordingly, the examiner is

considering the information disclosure statement.

Response to Arguments

3.　　Applicant's arguments with respect to claims 24-30 and 48-56 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4.　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.　　Claims 24-30, 48, 51, 54 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bozich et al (US 6,748,285) in view of Irons et al (US 6,744,936).

6.　　Regarding claim 24 –

Bozich discloses a management software system comprising a database storing

configuration data (e.g. col 2 ln 15-30) defining an organization having a number of

business units and manufacturing facilities (e.g. col 2 ln 30-45), wherein the

management system creates a record associated with one of the business units (e.g.

col 3 In 50-65).

Bozich does not specifically create labels but rather packaging for products. Irons,

however, does create and selectively prints a label or other graphics at one of the

manufacturing facilities based on the label record and the associated business units

(e.g. col 6 In 10-30). It would be obvious to combine the teachings of Bozich and Irons

in order to facilitate label management for packages.

7.   Regarding claim 25 –

Bozich discloses the system of claim 24, wherein the database stores configuration data

defining a number of packaging levels, and further wherein the label record designates

at least one of the packaging levels (e.g. col 2 In 15-30).

8.   Regarding claim 26 –

Bozich discloses the management system of claim 24, wherein the management

system further comprises: a record manager to create the record from a template and

data; and an output manager to control the printing upon authorizing a user having

access rights to print. (E.g. col 3 In 50-65). combine the teachings of Bozich and Irons

9.   Bozich does not specifically create labels but rather packaging for products.

Irons, however, does create and selectively prints a label or other graphics at one of the

manufacturing facilities based on the label record and the associated business units

(e.g. col 1 In 11-18). It would be obvious to combine the teachings of Bozich and Irons

in order to facilitate label management for packages.

10.   Regarding claim 27 –

Bozich discloses a method comprising: storing configuration data defining a number of

business units and manufacturing facilities; storing records and corresponding data;

associating the records with the business units; selecting one of the records; and

printing at one of the manufacturing facilities according to the selected label record and

the associated business unit. (e.g. col 3 ln 50-65).

11   Bozich does not specifically create labels but rather packaging for products.

Irons, however, does create and selectively prints a label or other graphics at one of the

manufacturing facilities based on the label record and the associated business units

(e.g. col 6 ln 10-30). It would be obvious to combine the teachings of Bozich and Irons

in order to facilitate label management for packages.

12.   Regarding claim 28 –

Bozich discloses the method of claim 27, fitter comprising: storing configuration data

defining a number of packaging levels; and associating each record with a packaging

level (e.g. col 2 ln 15-30). manufacturing facilities according to the selected la...

13.   Regarding claim 29 –

Bozich discloses the method of claim 27, further comprising associating a number of

records to form a set of related records. (e.g. col 2 ln 15-30). other graphics at one of the

14.   Regarding claim 30 – ...on the label record and the associated business units

Bozich discloses the method of claim 29, further comprising graphically illustrating the

packaging levels associated with the set of related records. (e.g. col 3 ln 50-65).

15.   As above, Bozich does not specifically create labels but rather packaging for

products. Irons, however, does create and selectively prints a label or other graphics at

one of the manufacturing facilities based on the label record and the associated

business units (e.g. col 6 ln 10-30). It would be obvious to combine the teachings of

Bozich and Irons in order to facilitate label management for packages.

16.   Regarding claim 48 –

Bozich discloses a management software system comprising a database storing

configuration data defining plurality o£ organizations, each organization having at least

one group and at least one output location; and a plurality of software modules

executing on computing devices coupled to the database, wherein the software

modules presenting an interface by which authorized users of the groups create

records, and selectively print at the corresponding output location for the organizations.

(e.g. col 3 ln 50-65).

17   As above, Bozich does not specifically create labels but rather packaging for

products. Irons, however, does create and selectively prints a label or other graphics at

one of the manufacturing facilities based on the label record and the associated

business units (e.g. col 6ln 10-30). It would be obvious to combine the teachings of

Bozich and Irons in order to facilitate label management for packages.

18.   Regarding claim 51 –

Bozich discloses a method of providing a management service comprising: storing

configuration data defining plurality of organizations, each organization having at least

one group and at least one output location; presenting an interface for by which each

authorized users of the groups create records; and in. response to input from the users,

selectively printing at the corresponding output locations for the organizations (e.g. col 3 In 50-65).

19.   As above, Bozich does not specifically create labels but rather packaging for products. Irons, however, does create and selectively prints a label or other graphics at one of the manufacturing facilities based on the label record and the associated business units (e.g. col 6 In 10-30). It would be obvious to combine the teachings of Bozich and Irons in order to facilitate label management for packages.

20.   Regarding claim 54 –

Bozich discloses a computer-readable medium comprising instructions for causing a processor to: store configuration data defining plurality of organizations, each organization having at least one group and at least one output location; present an interface for by which each organization creates corresponding records; and selectively print at the corresponding output locations for the organizations (e.g. col 3 In 50-65).

21.   As above, Bozich does not specifically create labels but rather packaging for products. Irons, however, does create and selectively prints a label or other graphics at one of the manufacturing facilities based on the label record and the associated business units (e.g. col 6 In 10-30). It would be obvious to combine the teachings of Bozich and Irons in order to facilitate label management for packages.

22.   Claims 49-50, 52-53, 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bozich et al (US 6,748,285) in view of Irons (US 6,744,936) further in view of Serrano-Morales (2002/0049715).

23.   Regarding claim 49 –

Serrano-Morales discloses a management system wherein the software modules

calculate fees for each organization and record the fees within the database (e.g. col 4

ln 20-35).

24.   Regarding claim 50 –

Serrano-Morales discloses a management system wherein the software modules

calculate fees for the organizations based at least one of (a) a number of accesses by

each organization, (b) a number of label records and label templates stored by each

organization, and (c) a subscription fee (e.g. col 4 ln 20-35).

25.   It would be obvious to combine the teachings of Bozich, Irons and Serrano-

Morales, in order to be able to easily bill for use.

26.   Regarding claim 52 –

Serrano-Morales discloses calculating fees for each organization and recording the fees

within a database (e.g. col 4 ln 30-45).

27.   Regarding claim 53 –

Serrano-Morales discloses calculating fees based on at least one of (a) a number of

accesses by each organization, (b) a number of label records and label templates

stored by each organization, and (c) a subscription fee (e.g. col 4 ln 20-35).

28.   It would be obvious to combine the teachings of Bozich, Irons and Serrano-

Morales, in order to be able to easily bill for use.

29.   Regarding claim 55 –

Serrano-Morales discloses instructions for causing a processor to calculate fees for

each organization and recording the fees within a database (e.g. col 4 ln 50-65).

30.   Regarding claim 56 –

Serrano –Morales discloses instructions for causing a processor to calculate fees based

at least one of (a) a number of accesses by each, organization, (b) a number of label

records and label templates stored by each organization, and (c) a subscription fee (e.g.

col 4 ln 20-35).

31.   It would be obvious to combine the teachings of Bozich, Irons and Serrano-

Morales, in order to be able to easily bill for use.

32.   Examiner's note: Examiner has cited particular columns and line numbers in

the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are

applied to the specific limitations within the individual claim, other passages and figures

may be applied as well. It is respectfully requested from the applicant, in preparing the

responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention as well as the context of the passage as taught by the prior art

or disclosed by the examiner.

Conclusion

33.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Cristina Owen Sherr whose telephone number is 571-

272-6711. The examiner can normally be reached on 8:30-5:00 Monday through

Friday.

32.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew J. Fischer can be reached on 571-272-6779. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

33.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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